

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - GPA-14304 - APPLICANT/OWNER: BRUCE A. AND JULIE A. KHALILZADEGAN**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-1/se vote) recommends APPROVAL, subject to:

1. This application shall be amended From: R to MLA.

## **\*\* STAFF REPORT \*\***

### **APPLICATION REQUEST**

This is a request to amend a portion of the Centennial Hills Sector Plan of the Master Plan from R (Rural Density Residential) to MLA (Medium Low Attached Density Residential) on 3.52 acres at 5300 North Rainbow Boulevard.

### **EXECUTIVE SUMMARY**

This application seeks to change the General Plan land-use designation of the subject property located at 5300 North Rainbow Boulevard from R (Rural Density Residential) to MLA (Medium Low Attached Density Residential). The project also required a Rezoning (ZON-14308) and a Site Development Plan Review (SDR-14306). Denial of this project is recommended as the proposed development is considered out of character with the surrounding neighborhood and does not meet the intent of the Rural Preservation Overlay District.

### **BACKGROUND DATA:**

- |          |                                                                                                                                                                                                                                                                                                                                                                                            |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/12/92 | The Planning Commission approved the three Land Use Sector Maps of the General Plan.                                                                                                                                                                                                                                                                                                       |
| 05/24/99 | The City Council approved the Centennial Hills Sector Map (GPA-01-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map.                                                                                                                                                                                                                                      |
| 08/18/99 | The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 units per acre, Medium-Low Density Residential to allow up to 8 units per acre, and Medium Density Residential up to 25 units per acre.                                                                                                   |
| 09/06/00 | The City Council approved the Las Vegas 2020 Master Plan. This site is within the Centennial Hills Sector Area as described in the Plan.                                                                                                                                                                                                                                                   |
| 07/27/06 | This item and companion items for a Rezoning (ZON-14308) to an R-3 (Medium Density Residential) District, a Variance (VAR-14309) from residential adjacency requirements), and a Site Development Plan Review (SDR-14306) for a proposed 68 unit condominium complex were held in abeyance to the 08/24/06 Planning Commission meeting in order for the applicant to redesign the project. |

- 08/24/06 This item and companion items for a General Plan Amendment (GPA-14304) to change the land use designation from R (Rural Density Residential) to M (Medium Density Residential), a Rezoning (ZON-14308) to change the zoning from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Variance (VAR-14309) from residential adjacency requirements were held in abeyance in order to submit revised plans for the project.
- 09/07/06 Companion items for a Rezoning (ZON-14308) to an R-2 (Medium-Low Density Residential) District and a Site Development Plan Review (SDR-14306) will be heard concurrently with this item. The Variance (VAR-14309) is no longer required.
- 09/07/06 The Planning Commission recommended approval of companion item ZON-14308, withdrew without prejudice VAR-14309 and held in abeyance SDR-14306 concurrently with this application.
- 09/07/06 The Planning Commission voted 6-1/se to recommend APPROVAL (PC Agenda Item #13/ng).

### **DETAILS OF APPLICATION REQUEST**

Site Area: 3.52 Acres

#### **EXISTING LAND USE**

Subject Property	Single Family Residential (Proposed Condominiums)
North	Single Family Residential
	Commercial
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

#### **PLANNED LAND USE**

Subject Property	R (Rural Density Residential) [Proposed: MLA (Medium Low Attached Density Residential)]
North	R (Rural Density Residential)
South	L (Low Density Residential)
East	L (Low Density Residential)
West	ML (Medium-Low Density Residential)

## EXISTING ZONING

Subject Property	R-E (Residence Estates) [Proposed: R-2 (Medium-Low Density Residential)]
North	R-E (Residence Estates)
South	R-1 (Single Family Residential)
East	R-1 (Single Family Residential)
West	R-CL (Single Family Compact-Lot)

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>YES</b>	<b>NO</b>
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD	X	
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

<i><b>EXISTING GENERAL PLAN DESIGNATION</b></i>	<i><b>PERMITTED DENSITY</b></i>	<i><b>PROPOSED GENERAL PLAN DESIGNATION</b></i>	<i><b>PERMITTED DENSITY</b></i>
R	3.59 du/ac or 12 units	MLA	12.49 du/ac or 43 units

The proposed General Plan Amendment would result in a density that is nearly six times greater than what is currently permitted on the site. This area is primarily single-family residential and the greatest density permitted in the immediate vicinity is 8.49 units per acre as part of the subdivision directly across Rainbow Boulevard. The actual proposed density (911.9 units per acre) is still larger than the property across Rainbow Boulevard. This is out of character with the area and is deemed inappropriate.

## DEFINITIONS

***R (Rural Density Residential)*** (2.5 to 3.59 units/gross acre). The Rural Density Residential category allows a maximum of 3.5 units per gross acre. This is a rural or semi-rural environment with a life-style much like that of the Desert Rural, but with a smaller allowable lot size.

***MLA (Medium Low Attached Density Residential)***(8.1 to 12 dwelling units/gross acre.) The Medium Low Attached Density Residential category permits a maximum of 12 dwelling units per gross acre. This category includes a variety of multi-family units such as plexes, townhouses, condominiums, and low-density apartments. This category is an appropriate use for the residential portion of a Village Center or Town Center Area. It is also an appropriate transitional use.

## **INTERAGENCY ISSUES**

### ***RURAL PRESERVATION OVERLAY DISTRICT***

The site is within an area identified as Rural Preservation Overlay District. Chapter 278 of the Nevada Revised Statutes stipulates the identification of a 330-foot transitional buffer around Rural Preservation Neighborhoods. Within these buffer areas, residential development density is limited to three dwelling units per acre, unless good cause is shown. Land is disqualified from status as a

Rural Preservation Neighborhood, or as a required buffer, if it is closer than 330 feet to a road greater than 99 feet in width. In the case of this application a portion of the parcel is in the 330-foot area that is exempt from the standards of the RPOD; however, the remainder of the parcel is subject to these standards and per the proposed project does not meet the intent of the RPOD.

## **ANALYSIS**

The proposed project that initiates the need for this General Plan Amendment is considered out of character with the area. As a whole the project requires deviations from standards and also a change of land-use designation and zoning district. These changes are not minor. The land use designation would jump three categories from R (Rural Density Residential) to MLA (Medium Low Attached Density Residential). This is considered too great of a change and the addition of a condominium development to an area that currently features one acre lots directly adjacent to the property is considered inappropriate.

## **FINDINGS**

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to “1”:

The density and intensity of the proposed General Plan Amendment is not compatible with the surrounding land use designations. The area is designated as R (Rural Density Residential), L (Low Density Residential), and ML (Medium-Low Density Residential). The greatest density of these is 8.49 units per acre. The proposed density is 12.49 units per acre. This is larger than any designation in the vicinity. This is not appropriate and denial is recommended.

In regard to “2”:

The proposed General Plan Amendment and Rezoning would result in a density that is nearly six times greater than what is currently permitted on the site. This area is primarily single-family residential and the greatest density permitted in the immediate vicinity is 8.49 units per acre as part of the subdivision directly across Rainbow Boulevard. The proposed R-2 (Medium-Low Density Residential) District is inappropriate and denial of the Rezoning request is recommended.

In regard to “3”:

The site would gain access from Rainbow Boulevard, a 100-foot Primary Arterial. The gated community would permit adequate stacking area. Site access and circulation would be adequate.

In regard to “4”:

There are no additional plans that apply to the proposal. There is an additional policy which is applicable; this is the Rural Preservation Overlay District. In the case of this application a portion of the parcel is in the 330-foot area that is exempt from the standards of the RPOD; however, the remainder of the parcel is subject to these standards and per the proposed project does not meet the intent of the RPOD, which is a density limit of two units per acre.

### **GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING**

Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting shall be held with the surrounding property owners. The applicant is asked to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on 06/15/06 a neighborhood meeting sponsored by the applicant was held at 5:30 p.m. at the Santa Fe Casino. Two applicant representatives, two staff members, and 25 citizens were in attendance and had the following comments:

- The proposed condominiums are inappropriate for the area; everything in the immediate vicinity is single-family residential.
- The Medium Density land use designation is much too dense for the area.
- The two-story buildings are inappropriate as everything else in the neighborhood is one story.

- The project doesn't have adequate side yard setbacks-10 feet aren't sufficient to separate a two-story multifamily building from a single-family residence.
- The two-story buildings will completely diminish views.
- The multifamily project will generate excessive traffic.
- The multifamily project will decrease property values.
- The type of people who live in apartments and condominiums will result in an increase in crime and do not belong in a single-family area.

### **PLANNING COMMISSION ACTION**

There were 12 speakers in opposition to the application.

### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 6

**NOTICES MAILED** 547 by Planning Dept

**APPROVALS** 0

**PROTESTS** 108